

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION**

ANIMAL LEGAL DEFENSE FUND,
PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS, COUNTERPUNCH,
AMY MEYER, WILL POTTER, DANIEL HAUFF,
JAMES MCWILLIAMS, JESSE FRUHWITH,

Plaintiffs,

v.

GARY HERBERT, in his official capacity as
Governor of Utah; SEAN REYES, in his official
capacity as Attorney General of Utah,

Defendants.

**ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS' MOTION TO
DISMISS**

Case No. 2:13-CV-00679-RJS

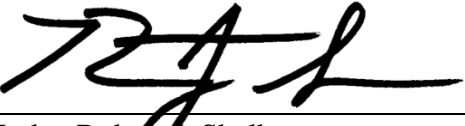
Judge Robert J. Shelby

Before the court is the Defendants' Motion to Dismiss. (Dkt. 24.) For the reasons stated on the record at the hearing on August 7, 2014, the court GRANTS IN PART and DENIES IN PART the Motion as follows:

1. Defendants' Motion to Dismiss Plaintiffs CounterPunch, Will Potter, James McWilliams, and Jesse Fruhwith is GRANTED;
2. Defendants' Motion to Dismiss Plaintiffs Animal Legal Defense Fund, People for the Ethical Treatment of Animals, Daniel Hauff, and Amy Meyer is DENIED;
3. Defendants' Motion to Dismiss Plaintiffs' Fourth Cause of Action, for alleged Equal Protection and Due Process violations, is DENIED; and
4. Defendants' Motion to Dismiss Plaintiffs' Third Cause of Action, for Preemption by False Claims Act, is GRANTED.

SO ORDERED this 8th day of August, 2014.

BY THE COURT:



Judge Robert J. Shelby
U.S. District Court